



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	127	Manual Of Requirements For Residential Child Care Facilities	3/27/2009
Subchapter:	8	Transportation Requirements	
Section	1	General requirements (N.J.A.C. 10:127-8.1)	

§10:127-8.1 General requirements

(a) The provisions of this subchapter shall apply to each facility that provides or arranges transportation for children:

1. To or from the facility or between other prearranged sites and the facility; or
2. In connection with an activity (such as a field trip) conducted by or under the auspices of the facility.

(b) Each facility as specified in (a) above shall also comply with applicable provisions of the New Jersey Division of Motor Vehicles law, pursuant to N.J.S.A. 39:1-1 et seq. and rules promulgated thereunder, as specified in N.J.A.C. 13.

(c) The facility may authorize staff members to utilize their own private passenger vehicles to transport children from the facility to and from scheduled field trips or to transport children from the facility to a hospital, clinic or office for medical treatment. However, staff members may be authorized to do so only if:

1. The vehicle has a capacity of eight or fewer persons;
2. The driver possesses a valid automobile driver's license issued by the New Jersey Division of Motor Vehicles, hereinafter referred to as the DMV, or a valid automobile driver's license issued by an approved out-of-State motor vehicle agency for the state in which the driver is a legal resident;
3. The vehicle has a valid motor vehicle inspection sticker issued by the DMV or by an approved out-of-State motor vehicle agency for the state in which the car is legally registered;
4. The vehicle owner possesses liability insurance at least at the minimum amounts required by the New Jersey State insurance law, pursuant to N.J.S.A. 17:28-1.1a or at least the minimum amounts required by a state other than New Jersey in which the car is legally registered;

5. The facility maintains transportation records on every vehicle utilized for the above, as specified in N.J.A.C. 10:127-8.4; and

6. The facility ensures that staff members apply the safety practices specified in (d) and (e) below.

(d) The facility shall ensure that all vehicles used to transport children:

1. Are maintained in clean and safe condition;
2. Are free from tobacco smoke and the use of smokeless tobacco while children are passengers;
3. Have a maximum seating capacity that does not exceed the number of seat belts (unless the vehicle is not required by law to have seat belts);
4. Have seats and back rests securely fastened;
5. Have all seats that are facing sideways or backwards bolted down;
6. Have seats upholstered with springs or foam rubber;
7. Have an operable heater capable of maintaining a temperature of 50 degrees Fahrenheit; and
8. Are equipped with:
 - i. A triangular portable red reflector device;
 - ii. All season radial or snow tires from November 15 through April 1 (for New Jersey-based facilities only); and
 - iii. A removable, moisture-proof and dust-proof first-aid kit, which shall be located in the vehicle.

(e) The facility shall ensure that the following safety practices are followed:

1. A staff member is always present when an adolescent, child or infant is in the vehicle;
2. All passengers who are over one and one-half years of age are secured in a car seat or an operable seat belt while the vehicle is in motion;
3. All passengers who are one and one-half years of age or younger are secured in car seats (child passenger restraint systems) that meet Federal motor vehicle safety standards in accordance with provisions of the New Jersey Division of Motor Vehicles law, pursuant to N.J.S.A. 39:3-76.2a;
4. All adolescents, children and infants are loaded and unloaded from the curbside of the vehicle; and
5. Children are not permitted to ride in the back or beds of trucks.

(f) When transporting more than six children below six years of age, the facility shall ensure that one adult in addition to the driver remains in the vehicle.

(g) When transporting more than four infants without their adolescent mothers, the facility shall ensure that one adult in addition to the driver remains in the vehicle.

(h) The facility shall maintain transportation records, as specified in N.J.A.C. 10:127-8.4.

(i) If the facility utilizes a Type I School Bus, Type II School Bus or a Type II School Vehicle, the facility shall:

1. Meet all applicable rules of the DMV, New Jersey Department of Education and New Jersey Department of Human Services; and

2. Ensure that the drivers of such vehicles possess a valid Class B license for the New Jersey Type I School Bus, or possess a valid Class C license for the New Jersey Type II School Bus or an out-of-State equivalent license, as approved by the DMV.

(j) The facility shall limit travel for an adventure activity in program vehicles including cars, vans and wagon trains by:

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